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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,627	07/10/2003	Kenji Yoneda	42522.081743521-0400	3370
21611	7590	03/09/2005	EXAMINER	
SNELL & WILMER LLP 1920 MAIN STREET SUITE 1200 IRVINE, CA 92614-7230				DUVERNE, JEAN F
		ART UNIT		PAPER NUMBER
		2839		

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/616,627	YONEDA, KENJI
	Examiner Jean F. Duverne	Art Unit 2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 January 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 7 is/are allowed.
- 6) Claim(s) 1-4, 6, 8-12, 16 and 17 is/are rejected.
- 7) Claim(s) 5 and 13-15 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/31/05.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. In view of applicant's argument, the examiner has decided to issue a second non-final office action.
2. Claim 12 is objected to because of the following informalities: the term "can" as recited in the claim is not a positive limitation. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, 9-12, 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Fleming (US Patent 4,310,209 ).

Feming's device discloses an optical fiber holder (figs. 1-6) comprising: a tubular member (25 or 26) for fitting over an optical fiber bundle comprising a bundle of plurality optical fibers (see figs. 1-6) to prevent the optical fibers from separating from each other and a pressing structure with clamping member at 20, 22 or see figs. 1-6 for exerting a pressing force on the optical fiber bundle in a direction perpendicular to a longitudinal direction of the optical fiber bundle to press the optical fiber bundle against an inner periphery of the tubular member; the pressing structure being placed inwardly of the

outer periphery of the tubular member (see fig. 3 for the deformation of the tubular member 23 under pressure) and spaced a predetermined distance apart from a leading edge of the optical bundle in longitudinal direction with a semi-cylindrical member having the set screw; the pressing structure being spaced in predetermined distance apart from the leading edge of the optical bundle (see figs. 5), the tubular member having an opening (see fig. 3-6) from the inner periphery to the outer periphery; the pressing members having resilient members, semi-cylindrical members, and a setscrew (3 6); the entrance opening of the tubular bore surrounding by a beveled surface on the tubular member and the tubular member being bifurcated with a front and a rear part (see figs 3-6).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming (US Patent 4,310,209 ) in view of Ray (US005440665A ).

Fleming 's device discloses the aforementioned limitations, but fails to place the injection features using the aperture in the tubular member. Dey's device discloses the injection features using the aperture in the tubular member (see abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made

to add the aperture in the tubular member for material injection such as the one disclosed in Dey's device in order to improve the compressing features Fleming 's device.

### ***Conclusion***

5. Claims 5, 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art fails to disclose the combination features the first bore being larger than the outer circumference of the tubular member with the rest of the claims limitations.

6. Claim 7 is allowed. Prior art fails to disclose the combination features the components with different sizes of diameters at different locations; the tangential orientation of the plane with respect to the points on the larger diameter portion containing respective opposite components that are symmetric with the rest of the claims limitations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean F. Duverne whose telephone number is (571) 272-2091. The examiner can normally be reached on 9:00-7:30, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on (571) 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JFD

03/01/2005



Jean Frantz Duverne  
Primary Examiner  
Art Unit 2839